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7 NORTH STAR GAS COMPANY,
8 Plaintiff,
9 v.
10 PACIFIC GAS AND ELECTRIC
11 COMPANY, et al.,
Defendants.

Case No. [15-cv-02575-HSG](#)

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTION TO DISMISS**

Re: Dkt. No. 60

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13 The parties are directed to submit simultaneous supplemental briefs, not to exceed 15
14 pages, focusing on the legal basis for allowing (or prohibiting) a showing of anticompetitive
15 conduct under Section 2 in a regulated industry based on a “business torts” theory, however
16 named. The parties should discuss why the Court should or should not extend the application of
17 Section 2 to this case under the Ninth Circuit’s analysis in *MetroNet Servs. Corp. v. Qwest Corp.*,
18 383 F.3d 1124 (9th Cir. 2004), and why the Court should or should not make that determination as
19 a matter of law at the motion to dismiss stage.

20 In addition, the parties are directed to submit a list of Supreme Court and Circuit Court
21 cases that consider the application of *Verizon* to allegedly anticompetitive conduct in regulated
22 industries. The briefs must be submitted by February 6, 2017. No responsive filings are
23 permitted.

24 **IT IS SO ORDERED.**

25 Dated: 1/24/2017

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27 HAYWOOD S. GILLIAM, JR.
United States District Judge